

# EXHIBIT D



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,888	01/23/2006	6432133	067448-0000004	1233

24201 7590 12/21/2006

FULWIDER PATTON  
6060 CENTER DRIVE  
10TH FLOOR  
LOS ANGELES, CA 90045

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 12/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

PILLSBURY WINTHROP SHAW PITTMAN, LLP  
P.O. BOX 10500  
MCLEAN, VA 22102

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**REEXAMINATION CONTROL NO. 90/007,888.PATENT NO. 6432133.ART UNIT 3993.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

90/007,888

6432133

**Office Action in Ex Parte Reexamination**Examiner  
Sara S. ClarkeArt Unit  
3993

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

- a ☐ Responsive to the communication(s) filed on \_\_\_\_\_. b ☐ This action is made FINAL.  
 c ☒ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1. ☐ Notice of References Cited by Examiner, PTO-892. 3. ☐ Interview Summary, PTO-474.  
 2. ☒ Information Disclosure Statement, PTO/SB/08. 4. ☐ \_\_\_\_\_.

**Part II SUMMARY OF ACTION**

- 1a. ☒ Claims 1-15 are subject to reexamination.  
 1b. ☐ Claims \_\_\_\_\_ are not subject to reexamination.  
 2. ☐ Claims \_\_\_\_\_ have been canceled in the present reexamination proceeding.  
 3. ☒ Claims 10, 11 and 15 are patentable and/or confirmed.  
 4. ☒ Claims 1-9 and 12-14 are rejected.  
 5. ☐ Claims \_\_\_\_\_ are objected to.  
 6. ☐ The drawings, filed on \_\_\_\_\_ are acceptable.  
 7. ☐ The proposed drawing correction, filed on \_\_\_\_\_ has been (7a) ☐ approved (7b) ☐ disapproved.  
 8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All b) ☐ Some\* c) ☐ None of the certified copies have  
     1 ☐ been received.  
     2 ☐ not been received.  
     3 ☐ been filed in Application No. \_\_\_\_\_.  
     4 ☐ been filed in reexamination Control No. \_\_\_\_\_.  
     5 ☐ been received by the International Bureau in PCT application No. \_\_\_\_\_.

\* See the attached detailed Office action for a list of the certified copies not received.

9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.  
 10. ☐ Other: \_\_\_\_\_

cc: Requester (if third party requester)

## DETAILED ACTION

### *Statutory Bases for Claim Rejections*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-9 and 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,344,053 to Boneau ("Boneau") in view of US Patent No. 5,104,404 to Wolff ("Wolff").

2. Regarding claim 1, Boneau discloses the invention substantially as claimed including a plurality of cylindrical elements (col. 6, ll. 6-19) each having a diameter and a length. Each cylindrical element has a shape configured to enable the cylindrical element to expand with the inflation of an expandable member disposed therein. See the description at col. 5, ll. 40-52.

Claim 1 also requires that the length of each cylindrical element is less than 2.5

mm. Boneau discloses that corresponding stents may range from 1 mm to 2 cm in length. Since the claimed length range of less than 2.5 mm overlaps the length range taught by Boneau, it would have been obvious to one of ordinary skill in the art at the time of invention to make the stent of Boneau in the claimed length range. See MPEP 2144.05.

Claim 1 further requires that length of each cylindrical element is less than the diameter of the cylindrical element upon inflation of the expandable member. Put another way, the diameter of the cylindrical element, upon inflation of the expandable member, is greater than or equal to 2.5 mm. At col. 5, ll. 4-22, Boneau discloses that the typical vessel, into which the stent of Boneau might be implanted, ranges from 1.5 mm to 5 mm in diameter. Since the cylindrical element of Boneau is expanded to the vessel diameter (see Fig. 4), the diameter of the cylindrical element of Boneau, upon inflation of the expandable member, ranges from 1.5 mm to 5 mm. Since the claimed range of greater than or equal to 2.5 mm overlaps the range of diameters disclosed by Boneau, it also would have been obvious to one of ordinary skill in the art at the time of invention to make the stent of Boneau in the claimed diameter range.

3. Regarding claim 3, Boneau shows U-shaped members at 12 and 14.
4. Boneau does not disclose a longitudinally flexible stent, comprising a plurality of interconnected cylindrical elements aligned along a stent longitudinal axis, as required in claim 1, and upon expansion there is no appreciable shortening of the stent, as required in claim 2.
5. Wolff discloses a longitudinally flexible stent arrangement having interconnected cylindrical elements aligned along a stent longitudinal axis as shown in Fig. 1.

Regarding claim 2, based upon the structure disclosed in the subject patent for performing the function of not appreciably shortening upon radial expansion of the stent (see col. 3, ll. 9-13, and col. 5, ll. 53-56), which discloses connecting to either peaks or valleys, since the cylindrical elements of Wolff are connected by connectors at only peaks or valleys, it appears that the configuration of Wolff meets this functional limitation. Regarding claim 7, Wolff teaches offsetting connecting elements for the purpose of placing the stent in arteries that curve in two directions. See the top of col. 2. Regarding claims 9 and 14, Wolff further teaches the individual cylindrical elements being interconnected by at least one weld connection. See col. 3, ll. 46-48. As shown in Fig. 2, the arrangement of Wolff is longitudinally flexible. This arrangement, as described at col. 1, ll. 47-52, permits articulation and maintains the spacing between adjacent segments.

6. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to (a) provide the stent arrangement of Boneau with interconnections as taught by Wolff for the purpose of permitting articulation, maintaining the spacing between adjacent segments, and placing the tandem stents in vessels that curve in different directions; and (b) have made the cylindrical elements of Boneau in the claimed diameter and length ranges since the claimed ranges overlap the ranges disclosed by Boneau.

7. Regarding claims 4 and 12-14, since the product in this product-by-process claim is obvious from the product of Wolff and Boneau, the claim is unpatentable even though the prior product was made by a different process. See MPEP 2113 regarding product-by-process claims.

8. Regarding claim 8, since Wolff teaches forming cylindrical elements individually (see Wolff, at col. 3, ll. 40-52), it follows that the stents resulting from the teachings of Boneau and Wolff, would also be formed individually. Moreover, since the product in this product-by-process claim is obvious from the product of Wolff and Boneau, the claim is unpatentable even though the prior product was made by a different process. See MPEP 2113 regarding product-by-process claims.

9. **Claims 1-3, 5, 6, 8, 9, and 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Boneau in view of the Furui article "Hepatic Inferior Vena Cava Obstruction: Treatment of Two Types with Gianturco Expandable Metallic Stents" ("Furui").

10. As discussed at items 2-4, Boneau discloses the invention substantially as claimed with the exception of a longitudinally flexible stent, comprising a plurality of interconnected cylindrical elements aligned along a stent longitudinal axis, as required in claim 1.

11. Furui discloses a longitudinally flexible stent comprising a plurality of interconnected cylindrical elements aligned along a stent longitudinal axis as shown in Fig. 1. As shown in Fig. 2c, the tandem stents of Furui are longitudinally flexible. As disclosed at page 669, col. 3, ll. 6-9, the use of tandem stents prevents slippage. Regarding claims 9 and 14, Fig. 1 appears to show weld connections for the struts.

12. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the stent arrangement of Boneau with interconnections as taught by Furui for the purpose of preventing slippage.

13. Regarding claim 2, based upon the structure disclosed in the subject patent for



performing the function of not appreciably shortening upon radial expansion of the stent (see col. 3, ll. 9-13, and col. 5, ll. 53-56 in the subject patent), *i.e.*, connecting to either peaks or valleys, since the cylindrical elements of Furui are connected by struts at only peaks or valleys, it appears that the configuration of Furui meets this functional limitation.

14. Regarding claims 8 and 12, since the product in this product-by-process claim is obvious from the product of Furui and Boneau, the claim is unpatentable even though the prior product was made by a different process. See MPEP 2113 regarding product-by-process claims.

***Response to Requester's Proposed Rejections***

15. At pp. 19-27 of the request, the requester suggests that US Patent No. 4,856,516 to Hillstead ("Hillstead") anticipates claims 1-3 and 8 of the subject patent and renders claim 9 of the subject patent obvious (in view of US Patent No. 5,133,732 to Wiktor ("Wiktor")), Wolff, or US Patent No. 4,733,665 to Palmaz ("Palmaz"). The examiner disagrees. Claim 1 requires a plurality of interconnected cylindrical elements. While Hillstead appears to disclose a plurality of interconnected elements (loops 50, 50a, and 50b), it is unclear from the disclosure, including the drawings, whether loops 50, 50a, and 50b are cylindrical or not. That is, it is unclear from the drawings whether or not the bends (shown in Fig. 4) extend widthwise in the longitudinal direction or radially when the stent 10 is formed. Since it is unclear whether or not loops 50, 50a, and 50b are cylindrical or not, it cannot be said that Hillstead meets this claim limitation. Thus, Hillstead does not anticipate claim 1 or any of the claims that depend thereon. Moreover, Wiktor, Wolff, and Palmaz do not make up for the deficiencies of Hillstead.

Thus, Hillstead, in combination with Wiktor, Wolff, or Palmaz, does not render claim 9 obvious.

16. At pp. 28-36 of the request, the requester suggests that SU Pub. No. 1457921 ("SU '921") in view of US Patent No. 6,344,053 to Boneau ("Boneau") and/or the Rösch article ("Modified Gianturco Expandable Wire Stents in Experimental and Clinical Use") renders claims 1-3 and 8 obvious, and SU '921 and Boneau and/or Rösch (in view of Wiktor, Wolff, or Palmaz) render claim 9 obvious. The examiner disagrees. All of SU '921, Boneau, and Rösch disclose endovascular support devices. However, with respect to SU '921, the requester refers to elements 3 and 4, which function as peripheral devices to the stent to prevent migration of the overall stent prosthesis. Whereas, with respect to Boneau, the requester refers to stents 10; and with respect to Rösch, the requester refers to the stent bodies (as shown in Fig. 1). Said stents 10 in Boneau and stent bodies in Rösch function to dilate narrowed vascular vessel. The dimensions taught by Boneau and Rösch are important for maintaining the axial orientation of the stent, extending across the affected area, and preventing undue thrombosis (See Boneau, col. 5, ll. 4-22) and, depending on the length of the vessel, for increasing the expansion force, especially in a curved vessel (See Rösch, page 101, col. 2, ll. 14-37). Since the reasons for providing the dimensions of Boneau and Rösch relate to problems associated with a stent device, and not a stent peripheral device for preventing migration (SU '921), there does not appear to be any reason for one of ordinary skill in the art to modify the migration preventing device of SU '921 to utilize the dimensions taught by Boneau and/or Rösch. Wiktor, Wolff, and Palmaz do not make up for the deficiencies of SU '921, Boneau, and Rösch. Thus, SU '921, Boneau, Rösch,

Wiktor, Wolff, and Palmaz do not render claim 9 obvious.

17. At the bottom of pg. 37 and the top of page 43 of the request, the requester argues that Rösch teaches, "one of ordinary skill would appreciate that the smallest stent segment available would be desirable to provide for the increased flexibility necessary to provide treatment for more tortuously twisted vessels... The '133 patent's claims' explicit range limitation of 'having a length less than 2.5 mm...' merely represents a possible optimization of the invention disclosed by Rösch... In fact, Rösch provides all motivation necessary for one of ordinary skill in the art to minimize the stent segment length in order to achieve optimal flexibility." To the extent that this argument applies to the suggested rejections at pp. 36-48, the examiner feels that it is unnecessary to rely on the teachings of Rösch since a *prima facie* case of obviousness can be made with Boneau and Wolff or Furui, by themselves. Moreover, it is unclear how Rösch is relevant. Rösch only suggests shorter lengths when the overall length of the stent is greater than 4 cm. Since the lengths disclosed by Boneau are considerably shorter than 4 cm, there does not appear to be a suggestion to use a shorter length. That is, the tandem configuration of Rösch, as shown in Fig. 1F, and including shorter stent bodies connected end-to-end via a monofilament line, is so disparate from the configurations of Wolff and Furui, it is unclear how the discussion at p. 101, col. 2, ll. 20-25 is relevant to consideration of size optimization of the elements 12 in Wolff, which are connected by hinges 14, and the elements shown in Fig. 1 of Furui. Moreover, since the length of 2 cm disclosed by Rösch is much longer than the claimed range of less than 2.5 mm, it is unclear how this disclosure generally suggests the claimed range.

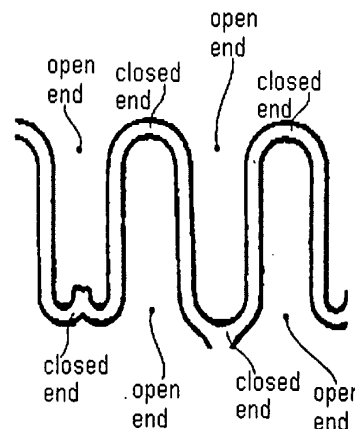
***Statement of Reasons for Patentability and/or Confirmation***

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

18. Regarding **claims 10 and 11**, while both Wolff and Furui disclose in-phase and out-of-phase adjacent elements, respectively, they provide no reasons for providing such configurations. As such there is no motivation to modify Boneau to include these features.

19. Regarding **claim 15**, not finding any guidance in the specification as to the meaning of the terms "open ends" and "closed ends" as used in this claim, the examiner finds that there are two possible interpretations for "open ends" and "closed ends":

(a) Looking at the undulating pattern of the stent portions (see the cropped section taken from Fig. 5 of the subject patent, at right), the "closed ends" could refer to the U, Y, or W shaped portions of the undulating pattern, and the "open ends" could refer to the opposite ends from the closed ends; or



(b) Based on the disclosure of the subject patent, the "open ends" could refer to the circumferential openings of a single undulating portion and the "closed ends" could refer to the cylindrical outer wall defined by a single undulating portion. Claim 15 compares the dimensions of the "open ends" and the "closed ends." Looking at the specification, the only comparison of dimensions is found at col. 2, ll. 4-6, comparing the length and diameter.

Based on either interpretation, the prior art of record does not appear to disclose

at least one of the open ends being no wider than one of the closed ends when the stent is mounted on an expandable member before expansion, as required in claim 15.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

### **Conclusion**

Extensions of time under 37 CFR 1.136(a) will **not** be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,432,133 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Any paper filed with the Office, i.e., any submission made, by either the patent owner or the third party requester **must** be served on every other party in the reexamination proceeding in the manner provided by § 1.248. The document must reflect service or the document may be refused consideration by the Office. See 37

CFR 1.550(f).

The patent owner is notified that any proposed amendments to the specification and/or claims in this reexamination proceeding **MUST** comply with 37 CFR 1.530(d)-(j), 37 CFR 1.52(a) and (b), and 37 CFR 1.20(c).

**Contact Information**

All correspondence relating to this *ex parte* reexamination proceeding should be directed as follows:


By U.S. Postal Service Mail: Mail Stop *Ex Parte* Reexam  
Attn: Central Reexamination Unit  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

By FAX: (571) 273-9900  
Central Reexamination Unit

By hand: Customer Service Window  
Attn: Central Reexamination Unit  
Randolph Building, Lobby Level  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:

  
\_\_\_\_\_  
Sara Clarke  
Primary Examiner  
Central Reexamination Unit  
(571) 272-4873

Ben  
Hro



90/007,888

6432133

Examiner

Art Unit

Sara S. Clarke

3993

√	Rejected
=	Allowed

—	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim	Date
Final	Original
1	√
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Bib Data Sheet

CONFIRMATION NO. 1233

<b>SERIAL NUMBER</b> 90/007,888	<b>FILING OR 371(c) DATE</b> 01/23/2006 <b>RULE</b>	<b>CLASS</b> 623	<b>GROUP ART UNIT</b> 3993	<b>ATTORNEY DOCKET NO.</b> 067448-0000004
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**APPLICANTS**  
 6432133, Residence Not Provided;  
 Advanced Cardiovascular Systems, Inc.(Owner), Santa Clara, CA;  
 Jack S. Barufka(3rd Pty. Req.), McLean, VA;  
 Jack S. Barufka, McLean, VA

**\*\* CONTINUING DATA \*\*\*\*\*** *OK*

This application is a REX of 09/716,847 11/16/2000 PAT 6,432,133  
 which is a DIV of 09/561,098 04/28/2000 PAT 6,309,412  
 which is a DIV of 09/135,222 08/17/1998 PAT 6,056,776  
 which is a DIV of 09/055,582 04/06/1998 PAT 6,066,168  
 which is a DIV of 08/783,097 01/14/1997 PAT 5,735,893  
 which is a DIV of 08/556,516 11/13/1995 PAT 5,603,721  
 which is a DIV of 08/281,790 07/28/1994 PAT 5,514,154  
 which is a CIP of 08/164,986 12/09/1993 ABN  
 which is a CON of 07/783,558 10/28/1991 ABN

**\*\* FOREIGN APPLICATIONS \*\*\*\*\*** *none*

Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	<b>STATE OR COUNTRY</b>	<b>SHEETS DRAWING</b>	<b>TOTAL CLAIMS</b> 15	<b>INDEPENDENT CLAIMS</b> 3
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged Examiner's Signature <i>[Signature]</i> Initials				

**ADDRESS**  
24201

**TITLE**  
EXPANDABLE STENTS AND METHOD FOR MAKING SAME

<b>FILING FEE RECEIVED</b> 2520	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit
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**Reexamination**

Case 1:98-cv-00080-SLR

Application/Control No.

Document 704-3

Applicant(s)/Patent Under

Reexamination

Filed 12/27/2006 Page 18 of 45



90/007,888

6432133

Certificate Date

Certificate Number

Requester

Correspondence Address:

☐ Patent Owner☒ Third Party

Pillsbury Winthrop Shaw Pittman, LLP  
P.O. Box 10500  
McLean, Va 22102

LITIGATION REVIEW ☒

SC

12/7/06

(examiner initials)

(date)

Case Name

Director Initials

Advanced Cardio Sys, et al v. Medtronic Vascular ,et al; 1:98cv80; US Dist  
Ct of Delaware; open

AK for LM

**COPENDING OFFICE PROCEEDINGS**

TYPE OF PROCEEDING

NUMBER

1. NONE

2.

3.

4.

Sheet	1	of	1
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Application Number	90/007,888
Filing Date	January 23, 2006
First Named Inventor	Lilip Lau
Art Unit	3993
Examiner Name	Sara Clarke
Attorney Docket Number	ACS 74379

[illegible][illegible]

Examiner Signature	/Sara Clarke/	Date Considered	12/07/2006
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Substitute for form 1449B/PTO.  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	90/007,888
		Filing Date	January 23, 2006
		First Named Inventor	Lilip Lau
		Group Art Unit	3993
		Examiner Name	Sara Clarke
Sheet 1 of 7	Attorney Docket Number	ACS 74379 (0380CXDDD2DDD-RX)	

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
SC		Vascular's Opening Claim Construction Brief for the Lau Patents, ACS v. AVE, 98-80-SLR (D. Del.) (08/13/2004)	
		Plaintiff's Answering Claim Construction Brief Regarding Lau Patent Terms, ACS v. AVE, 98-80-SLR (D. Del.) (09/24/2004)	
		Memorandum Opinion Granting ACS's Motion for Summary Judgment That Michael D. Boneau is Not an Inventor of the Lau Patents and That the Lau Patents are Not Invalid Under 35 U.S.C. § 102(f), ACS v. AVE, 98-80-SLR (D. Del.) (01/05/2005)	
		Memorandum Order Defining Lau Patent Terms, ACS v. AVE, 98-80-SLR (D. Del.) (01/05/2005)	
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		Trial Transcript (Liability), Volume C, ACS v. AVE, 98-80-SLR (D. Del.) (02/09/2005)	
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		Medtronic's Corrected Motion for Judgment as a Matter of Law, ACS v. AVE, 98-80-SLR (D. Del.) (02/11/2005)	
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/Sara Clarke/

12/07/2006

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		Application Number	90/007,888
		Filing Date	January 23, 2006
		First Named Inventor	Lilip Lau
		Group Art Unit	3993
		Examiner Name	Sara Clarke
Sheet 2 of 7	Attorney Docket Number	ACS 74379 (0380CXDDD2DDD-RX)	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
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SC		ACS's Motion for Judgment as a Matter of Law That The '154, '167, '168 and '133 Patents are (1) Not Invalid as Anticipated, (2) Not Invalid Under 35 U.S.C. § 112, and (3) Not Invalid as Obvious, ACS v. AVE, 98-80-SLR (D. Del.) (02/16/2005)	
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		Maintenance of the Patent with the Documents Specified in the Final Decision, EP 0 807 424 Opposition Proceedings (08/20/2004)	
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Reexam Control No. 90/007,888

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